

Q: OK. Well, I just wanted to make sure. I figured since you had these documents, you had documented. I wanted to make sure. Get that cleared up. What does this mean right here?

A: I have no idea. That might have been why I left it blank. This came from a handbook.

Q: Did it possibly mean what you're looking for in an employee do you think? Or you're not sure? I'm just trying to jog your memory.

A: I appreciate that. I really don't know. I guess that's a drawback to picking up pre-printed materials.

Q: OK. Go to page...start out 125 but go to the next page 126. OK. Did your station post notices for vacancies in the station? At the station?

A: Well, my recollection as to why that wasn't checked. The Lutheran Church Missouri Synod administered the total vacancy information, as I recall. I was not a Lutheran, so I didn't come in with knowing these procedures. But, as I recall, I think the Synod did that for all areas, including the stations. I'm pretty certain that it was done.

Q: Perhaps not at the station but in one general location where they had...

A: Central employment...

Q: ...for all different employees that worked for the...

A: And people would, in terms of current employees...people who were employed by the Synod, which would include station employees, I mean there were other people in broadcast oriented positions throughout the Synod. Any effort to post a vacancy for current employees...it would be in everybody's best interest to make sure it was...

Q: That everybody knew about it.

A: Yeah.

Q: OK. The next one. Do you know before you got there and while you were there they were contacting minority organizations and potential sources for minority applicants to referrals?

A: I'm pretty certain when I was there that was being done. Before that, I can't say with certainty one way or the other. I would expect that they were.

Q: So you expect they were in compliance, but you don't know, before you were there. And when you were there you said that you did contact minority organizations for referrals?

A: I'm trying to think of the gentleman's name right now. It absolutely escapes me. I can picture him. To give you a concrete example. Well, if it comes to me, it comes to me. I can picture this fellow as if I saw him yesterday. I think it's also relevant here, as a reminder in terms of this...with the memo that preceded this one. In reference to the AM because of the combined policy. In this particular memo that were now looking at, the one on March 15th, we have to keep in mind the stations...the

AM and the FM were operating under a joint EEO program...

Q: Right. But they would have an obligation. I'm not certain that you're aware of that.

A: I'm not saying that at all. In fact, as a licensed broadcaster, I would assume they would be. However, in the cover memo, I am referring to the FM station has definitely done these and checking the others. I'm making no judgment one way or the other what the AM station...

Q: Right.

A: ...has or has not done. And in some of these cases it may have been left unchecked because...let's see before checking it off completely and looking at the total picture...double checking on the AM side.

Q: OK.

A: And some of that I just...five years later...I'm not sure that I would remember.

Q: Sure. And did Devantier interview the applicants for jobs or were you involved in applicants for jobs while you were there?

A: In terms of the FM station, for those employees that were FM only employees, while I was general manager for the FM I certainly was involved in interviewing applicants.

Q: OK. Anybody that was qualified, that was looking for a position that was available, you interviewed them?

A: Qualified applicants.

Q: A person...there was a job opening. The person was qualified. You interviewed them.

A: I would have an interview, yes.

Q: OK. They said I have to ask these questions in a certain way. OK. When you hired somebody on the FM side, did you keep a record why they were hired or why they weren't hired?

A: I believe those records were maintained. I did not specifically maintain those records. I believe they were maintained. I think there is something important to understand. At the time I was there, the station had just, in essence, decided to be...to fully utilize the commercial aspect of their license...

Q: As opposed to non-commercial.

A: ...and we were...there was, even under those circumstances, employment for the most part was pretty stable, especially in relationship to radio station employment. In relation to any employment. It's pretty stable, number one. Number two, starting from scratch, we weren't the most appealing operation for someone to select. Low pay and not a whole lot of guarantees. We're not talking vast numbers of applicants here.

Q: Right. When a person was not given a job, did you inform them in writing that they...

A: When a person was...

Q: Not hired for a position. Let's say a disc jockey job. You hired one person. Were the other people informed in writing that they hadn't been...

A: I don't know.

Q: OK. So, it might have been a phone call. But you can't recall?

A: I just don't recall.

Q: OK. Well, I don't think I have anymore questions for you. You can keep both of these if you would like.

A: Thank you.

Q: I'm not sure what's going to happen. I'm just going to report back to David Hoenig, who is the attorney I'm working with on this, you know, about our talk today. And I'm not sure if you will be called as a witness or not. There's three parties involved, there's us, there's the radio station, and there's the MMB board, the administrative agency, who also investigate the case...

A: For the FCC?

Q: Yeah. Sometimes they call witnesses, too. Then either party involved calls them. So, David Hoenig, our attorney, was saying you may be called by them to testify in this case, just to let you know. From the 20th to the 24th there's hearings going on in DC. They're coming here for the 27th through the 29th, for the St. Louis portion.

**EXHIBIT C**

# DECLARATION OF DENNIS STORTZ

I, Dennis Stortz, hereby state as follows:

1. I am the Director of Operations of KFUE (AM) and KFUE-FM, Clayton, Missouri (the "Stations").

2. In February 1994, I received a letter from Otis Woodard. I had met Mr. Woodard several times previously because he ran an Outreach Ministry affiliated with the Church that owns the Stations, the Lutheran Church-Missouri Synod, and had appeared in KFUE (AM) programming a number of times. He had appeared in public service to promote his ministry. In his letter, Mr. Woodard expressed an interest in working for the Stations as an on-air talent on a regular basis.

3. On March 1, 1994, I interviewed Mr. Woodard for an on-air job at the Stations. As my notes which are attached hereto as Attachment 1 indicate, Mr. Woodard stated during the interview that he wanted "to be part of the KFUE family." Mr. Woodard further explained that he wanted to "retire" at the Stations and that his interest was based on the fact that he is a life-long Lutheran. He left his "General Resume" with me, a copy of which is attached as Attachment 2.

4. At the interview, I told Mr. Woodard that he would be considered for an on-air job as openings occurred. I also told Mr. Woodard that we were trying to acquire KSLH and that the acquisition might create some job openings.

5. Several weeks later, I received a message that Mr. Woodard had telephoned me. I returned the call, but was unable to reach him. The same day, Mr. Woodard's wife called me. I told her that I had received a message to call Mr. Woodard but

had been unable to reach him. She said that she was sure it was about his desire to work at the Stations. I did not reach Mr. Woodard directly at that time.

6. In May 1994, Mr. Woodard telephoned me and asked if I wanted a copy of an "air check tape" he had done. I said that I would be happy to have it. Sometime after the call Mr. Woodard delivered the tape to me at the Stations.

7. On June 15, 1994, when I arrived at work at 8:15 a.m., I had a message to contact Mr. Woodard "immediately". I called him. Mr. Woodard told me that he had been contacted by the NAACP to discuss the Stations and wanted to know what it was about. I told him that an EEO matter had been raised against the Stations by the NAACP.

8. On June 16, 1994, I called Mr. Woodard back and asked how the interview with the NAACP had gone. He said they had asked about "some referral source" and that he did not know what was meant by that. I then asked Mr. Woodard how his outreach ministry was going. He reported that it was very busy--that there were a lot of hungry people there. Mr. Woodard reminded me again that he wanted to work at KFUD and to "retire" at the Stations. I did not ask Mr. Woodard whether he had given a statement to the NAACP and he did not tell me whether he had done so.

9. On June 17, 1994, at about 3:00 p.m. Central Time, I telephoned Mr. Woodard again in reference to his "referral source" comment of the day before. I stated to Mr. Woodard that records at the Stations indicated that KFUD had used his Outreach

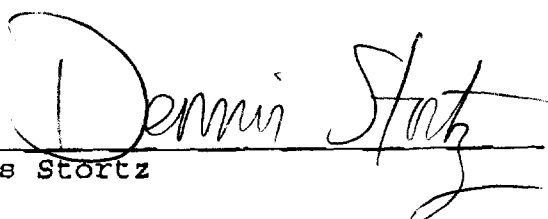
Ministry as an employment referral source, and that the records indicated that the specific person talked to at the Outreach Ministry was Kathy Woodard. I asked him who Kathy Woodard was and he told me that she was his ex-wife. He said that it was quite possible that a referral contact had been made between the Stations and Ms. Woodard and that she would have handled it without discussing it with him.

10. Mr. Woodard and I continued to chat and I told him (as I generally tell all non-profit organizations that I talk to) that I would be glad to air Public Service Announcements for his organization if he would send them over. This was hardly unusual, particularly given Mr. Woodard's prior appearances on KFYO to promote his organization and its needs. He reminded me once again about his desire to work and "retire" at the Stations. I reiterated my earlier statement that he would be considered for any on-air openings as they arose. Again, I did not ask whether Mr. Woodard had signed a statement for the NAACP and he did not tell me that he had done so.

11. At about 5:30 p.m. Central Time on June 17, 1994, after all the above conversations, I learned for the first time that Mr. Woodard had in fact given a signed statement to the NAACP. I had no further contacts with Mr. Woodard after that time.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 7, 1994.

  
Dennis Stortz



**KFUO** 850 AM 99.1 FM  
**lutheran radio**

85 FOUNDERS LANE, ST. LOUIS, MO 63105

**MEMO**

(314) 725-3030

DATE:

3/1/94

TO:

FROM:

Interviewed  
D.S.

RE:

- Dtis Woodard
- wants to be part of the KFUO family
- interviewed here 3/1/94 D.S.

★ 664 -3688 at KDHX at work



GENERAL RESUME

1. BORN DECEMBER 9, 1936 IN BIRMINGHAM, ALABAMA
2. GRADUATED FROM ULLMAN AND WESTERN VOCATIONAL HIGH SCHOOL
3. SERVED IN THE UNITED STATES MARINE CORP UNTIL 1961
4. WORKED IN CIVIL RIGHTS MOVEMENT IN MISSISSIPPI, ALABAMA, GEORGIA, AND MEMPHIS TENNESSEE.
5. JOBS AND SKILLS
  - a. POET
  - b. MUSICIAN
  - c. JANITOR
  - d. TRUCK DRIVER
  - e. WAITOR
  - f. COMMUNITY ORGANIZER
  - g. DIRECTOR OF SOCIAL WORK ORGANIZATION
  - h. DETECTIVE
  - i. MID-WIFE
  - j. 6 YEARS CO-HOST MORNING SHOW KDHX. TRAINED TO OPERATE THE CONTROLL BOARD, READ PSA, AND DO TRANSMITTER READINGS.
  - k. SPEAK TO THOUSAND OF YOUTH ACROSS THE NATION AT CONFERENCES, SCHOOL, CHURCHES, AND COLLEGES
6. EARNED MANY AWARDS FOR WORK IN THE COMMUNITY.
7. ADDITIONAL EDUCATION
  - a. TWO YEARS COLLEGE AT ST. LOUIS UNIVERSITY.
  - b. MANY OTHER COURSES AND TRAINING AT CONCORDIA SEMINARY
8. MARRIED TO DEBBIE
9. 10 BOYS (MOSTLY GROWN)  
3 GIRLS
10. GREAT HEALTH

1) Good Voice

2. Well Known Voice

3. Otis David Woodard  
2023 BISSELL  
St L. MO 63107  
314-534-1612


**CERTIFICATE OF SERVICE**

I, JACKIE HASKINS, a secretary for the firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., do hereby certify that I have this 8th day of July 1994, caused to be hand-delivered the foregoing "**OPPOSITION TO MOTION TO ENLARGE AND REQUEST FOR INJUNCTIVE RELIEF**" to the following:

The Honorable Arthur I. Steinberg  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N.W., Suite 228  
Washington, D.C. 20554

Robert Zauner, Esq.  
Paulette Laden, Esq.  
Federal Communications Commission  
Mass Media Bureau  
2025 M Street, N.W., Room 7212  
Washington, D.C. 20554

David E. Honig, Esq.  
Minority Media Ownership & Employment Council  
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Washington, D.C. 20010

  
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Jackie Haskins